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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,609	04/12/2006	Heikki Mikonaho	AWEK 3458	1637
7812 7590 10/27/2008 SMITH-HILL AND BEDELL, P.C. 16100 NW CORNELL ROAD, SUITE 220 BEAVERTON, OR 97006				
EXAMINER				
NGUYEN, XUAN LAN T				
ART UNIT		PAPER NUMBER		
3657				
MAIL DATE		DELIVERY MODE		
10/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,609

Applicant(s)

MIKONAHQ, HEIKKI

Examiner

Lan Nguyen

Art Unit

3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)
Paper No(s)/Mail Date 4/12/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.

- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In claim 10, line 2, "the object" should be --an object--.
- In claim 12, "it" and "its" are indefinite terms since they do not specify the elements being claimed.
- Claim 13 is suggested to be recited as followed in order to establish proper antecedent basis for the claimed features. -- A damper according to claim 10, wherein the body part comprises **said** cylindrical space, limited by a first and a second end wall and with **said** guide shaft for oscillating piece being arranged along the center axis of the cylindrical space, the guide shaft comprising **said** space and **said** openings adjacent the opposite ends thereof for forming **said**

flow connection between the space of the guide shaft and the space of the body part.--

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann (3173514) in view of Ledbetter et al. (6443273).

Re: claim 10, Tiedemann shows a vibration damper in figure 4, as in the present invention, comprising: a body part 12 via which the damper can be fastened to the object 11 to be dampened, an oscillating piece 16 movably arranged in a space of the body part wherein a guide shaft 14 for guiding the oscillating piece is arranged in the space of the body part, the guide shaft comprising a space and openings 20, 20 arranged in the wall of the guide shaft for forming a flow connection between the space of the guide shaft and both sides of the oscillating piece, as shown in figure 4.

Tiedemann lacks a spring and the multi-pieces for the oscillating piece. Ledbetter teaches a vibration damper with an oscillating piece 20, 22 comprises multi-pieces fastened together wherein the oscillating piece is supported by springs 32 in the damper of Ledbetter. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tiedemann's damper to comprise the oscillating piece with multi-

pieces fastened together wherein the oscillating piece is supported by springs as taught by Ledbetter in order to provide the adjustability in the damper and to expand the capability of the dampers with the use of the springs as taught by Ledbetter.

Re: claims 11 and 17, Ledbetter further shows the oscillating piece comprises two end pieces and a number of intermediate pieces arranged between the end pieces, wherein the intermediate pieces 22 comprise adjusting discs and support sleeves 20.

Re: claim 12, Tiedemann shows the oscillating piece 16 is essentially cylindrical in form and it comprises a through-hole parallel with its longitudinal axis.

Re: claim 13, Tiedemann shows the body part comprises a cylindrical space, limited by the first and the second end wall and with a guide shaft 14 for oscillating piece being arranged along the center axis of the cylindrical space, the guide shaft comprising a space and openings 20, 20 adjacent the opposite ends thereof for forming a flow connection between the space of the guide shaft and the space of the body part.

Re: claim 14, Tiedemann shows means for adjusting the flow connection 50 between the space of the guide shaft and the space of the body part are provided in connection with the space of the guide shaft.

Re: claim 16, Ledbetter shows the oscillating piece 20, 22 is arranged to be supported by the first and the second end wall by means of springs 32.

Re: claim 18, Ledbetter shows the piston engine in column 1, lines 20-22.
Tiedemann shows the piston engine in column 1, lines 30-32.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann (3173514) in view of Ledbetter et al. (6443273) and further in view of Osterberg et al. (5816373).

Tiedemann's damper, as modified and rejected above, lacks bearing means at the end pieces. Osterberg teaches a damper with an oscillating piece 110 wherein the oscillating piece comprises bearings 170 at both ends of the oscillating piece. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Tiedemann to comprise bearings being placed at both ends of the oscillating piece as taught by Osterberg in order to improve the sliding action of the oscillating piece and reduce heat generation from friction.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Whelpley et al., Doman and Gailistis et al. are cited for other mass dampers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xuan Lan Nguyen/ 10-22-08
Primary Examiner
Art Unit 3657